

RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER 1795

Attorney Docket No. **09792909-5716**

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

**Kenichi Kawase, et al.**

Application No. **10/713,969**

Filed: **November 14, 2003**

For: BATTERY

)  
)  
) Group Art Unit: **1795**  
) Examiner: **Laura S. Weiner**  
)  
)  
)  
)

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

OK TO ENTER: /LW/

/LW/ 04/18/2008

FILED ELECTRONICALLY VIA EFS-WEB

**RESPONSE TO MARCH 28, 2008 FINAL OFFICE ACTION**

Dear Sir:

Pursuant to 37 C.F.R. § 1.116, this Amendment is submitted in response to the Final Office Action mailed March 28, 2008. Applicants respectfully request reconsideration of the application in view of this amendment and remarks herein.

**IN THE CLAIMS**

This listing of claims replaces all prior listings:

1. (Cancelled)
2. (Currently Amended) A battery, comprising:  
a cathode;  
an anode; and  
an electrolyte,  
wherein,  
the anode has an anode collector made of an electric copper foil and an anode active material layer which is formed on the anode collector by vapor-phase method, and  
the electrolyte contains an electrolyte solution containing vinyl ethylene carbonate, and an electrolytic salt, and a polymeric material.
3. (Original) A battery according to claim 2, wherein the anode active material layer is alloyed with the anode collector on at least a part of interface between the anode active material layer and the anode collector.
4. (Previously Presented) A battery according to claim 2, wherein the anode active material layer includes at least one kind from the group consisting of (Si) and compounds of silicon.
5. (Previously Presented) A battery according to claim 2, wherein the electrolyte solution further contains vinylene carbonate.
6. (Previously Presented) A battery according to claim 5, wherein a content of the vinylene carbonate in the electrolyte solution is from 0.1 wt% to 30 wt%.
7. (Cancelled)

Response to March 28, 2008 Final Office Action

Application No. 10/713,969

Page 3

8. (Original) A battery according to claim 2, wherein film exterior members which house the cathode, the anode, and the electrolyte are further provided.

9. (Original) A battery according to claim 2, wherein the cathode contains a metal complex oxide including lithium.

10. – 21. (Cancelled)

**REMARKS**

Claims 2-9 are pending and under consideration in the above-identified application, and Claims 10 -21 were previously cancelled.

In the Final Office Action, Claims 2, 3, 5, 6, 8 and 9 were rejected, and Claims 4 and 7 were objected to.

In this Amendment, Claim 2 is amended and Claim 7 is cancelled. No new matter has been introduced as a result of this matter.

Accordingly, Claims 2 – 6 and 8 – 9 are at issue.

**I. 35 U.S.C. § 102 and 103 Rejection of Claims**

Claims 2-3, 5-6 and 8-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, as obvious over *Murai, et al.* (“*Murai*”) (U.S. Patent No. 7,097,944).

In the Office Action, Claims 4 and 7 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 7 depends on Claim 2.

As such, Claim 2, which has been amended by incorporating the substantive limitations of Claim 7, is patentable over *Murai*, as are dependent Claims 3 – 6 and 8 – 9, for at least the same reasons.

Accordingly, Applicants respectfully request that this claim rejection be withdrawn.

**II. Conclusion**

In view of the above amendments and remarks, Applicant submits that Claims 2 – 6 and 8 – 9 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: April 15, 2008

By: 

Kader Gacem  
Registration No. 52,474  
SONNENSCHNEIN NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(312) 876-8000